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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/948,530 10/09/97 MILOSLAVSKY

A P3253

EXAMINER

024739 WM01/0131
CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS CA 95004

VU, H	
ART UNIT	PAPER NUMBER

2663
DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/948,530

Applicant(s)

Miloslavski

Examiner

Huy D. Vu

Group Art Unit

2663



☒ Responsive to communication(s) filed on Nov 17, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 6-9 and 14-16 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 6-9 and 14-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14, lines 8-9, recitation "the remote call center" lacks clear antecedent basis.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (of record) in view of Gottlieb (5,920,621) or Lindeberg et al (6,094,479). Andrew differs from the claim in that Andrew does not teach the use of SCP processor to route incoming calls based on agent status. However, such feature is well known in the art of telephony. For example, Gottlieb teaches a SCP processor 226 that routes incoming calls to appropriate operator/agent using operator/agent

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status (see col. 7, lines 36-63). In another prior art example, Lindeberg also teaches SCP processor 231 that routes incoming calls to appropriate operator/agent using operator/agent status (see figure 5; col. 11, lines 21-27). Gottlieb further teaches force management database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1). The use of SCP processor to route incoming calls to appropriate operator/agent using operator/agent status enhance call routing efficiency. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gottlieb's or Lindeberg's teaching of using a SCP processor to route incoming calls to appropriate operator/agent using operator/agent status in Andrew's system with the motivation being to enhance call routing efficiency.

5. Applicant's arguments filed on November 7, 2000 have been fully considered but they are not persuasive.

In response to Applicant's argument that Andrews fails to teach any SCP, it is noted that such difference has been pointed out in the rejection. Such difference is the reason why secondary references (Gottlieb and Lindeberg) were used in combination with the Andrews reference. In fact, if Andrews taught such SCP for routing call to the agents, the rejection would have been under 35 U.S.C. 102 instead of under 35 U.S.C. 103 as presently indicated.

In response to Applicant's argument that Gottlieb and/or Lindeberg fail to teach SCP that routes IPNT calls as claimed, it is noted that Gottlieb and/or Lindeberg were not cited for such teaching. Gottlieb and Lindeberg were cited for the teaching of SCP routing calls to agents using

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agents' status. When Gottlieb and/or Lindeberg's SCP are used in Andrews's Internet telephony system, the SCP would then route Internet telephony calls in addition to regular telephone calls.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (USP 5,848,143).

Regarding claims 14-16, Andrews teaches a Internet protocol network telephony system having a routing server (48) and a database (54). See figure 2. Routing server route the incoming calls to the agents using stored and processed information in the data base (historical information) about transaction including agent skill, status, availability, etc... See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See figure 9, col. 11, lines 39-67. Andrews differs from the claim in that Andrews's database is within the center as opposed to being located remotely from the call center (claim 14) or located in the Internet (claim 16). However, one skilled in the art would have recognized that such remote location would have been desirable if the information is to be shared among different call centers or that the information is to be managed by a remote management site. Thus, it would have been obvious to one skilled in the art to modify Andrews' system to have the data base located remote from the call center with the motivation being to share the information among the call centers.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

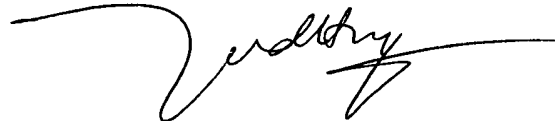
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday - Friday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU
PRIMARY EXAMINER